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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 57th MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Friday, 6 March 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

CONTENTS

Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (continued)

Organization of the work of the session (continued)

Draft provisional agenda for the forty-ninth session of the Commission

Report to the Economic and Social Council on the forty-eighth session of the Commission

Closure of the session

* The summary record of the first part of the meeting appears as document E/CN.4/1992/SR.57.

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GE.92-11781/4319B

The meeting was resumed at 6.55 p.m.

ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (agenda item 23) (continued) (E/CN.4/1992/56 and Add.1-5)

1. The CHAIRMAN said that the delegation of Poland had withdrawn its candidate for membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He invited the Commission to complete the election of members of the Sub-Commission.

2. At the invitation of the Chairman, Mrs. Galvis (Colombia), Rapporteur, acted as teller.

3. A vote was taken by secret ballot.

Number of ballot papers:	50
Invalid ballots:	None
Number of valid ballots:	50
Abstentions:	None
Number of members voting:	50
Required majority:	26
Number of votes obtained:	
Mr. Boutkevitch	28
Mr. Bíró	22

4. Mr. Boutkevitch (Ukraine), having obtained the required majority, was elected member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

5. The CHAIRMAN read out the following text of a draft resolution entitled "Rationalization of the work of the Commission":

"The Commission on Human Rights,

Recalling its decision 1991/109, in which the Commission decided to discuss the question of restructuring its agenda,

Concerned about the considerable increase in the workload, including the growing number of resolutions adopted by the Commission over the years,

Conscious of the need to make economical use of the time and resources of the Commission,

Realizing that restructuring the agenda of the Commission would not be sufficient per se but should be paralleled with a rationalization of its work, as well as a reduction in the amount of documentation provided to it at each session,

1. Decides to consider the rationalization of its work at the beginning of its forty-ninth session;

2. Affirms that such a comprehensive process could only take place through consultations and on the basis of consensus in the Commission."

6. The draft resolution read out by the Chairman was adopted without a vote.

DRAFT PROVISIONAL AGENDA FOR THE FORTY-NINTH SESSION OF THE COMMISSION (agenda item 25) (E/CN.4/1992/L.1)

7. Mrs. RUESTA de FURTER (Venezuela), drawing attention to item 24 of the draft provisional agenda, said that it was important to include in the documentation for that item the report to be submitted by the Working Group on Contemporary Forms of Slavery which was linked with operative paragraph 13 of resolution 1992/76.

8. Mr. YOUSIF (Iraq) said that sub-item (b) of agenda item 12 should be deleted from the agenda for the forty-ninth session, as had been previously announced by the Bureau.

9. The CHAIRMAN assured him that the sub-item in question would be deleted.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FORTY-EIGHTH SESSION OF THE COMMISSION (agenda item 26) (E/CN.4/1992/L.10 and Add.1-21, E/CN.4/1992/L.11 and Add.1-7)

10. The CHAIRMAN invited the Rapporteur to introduce the draft report of the Commission, which would be considered addendum by addendum, as the documents became available.

11. Mrs. GALVIS (Colombia), Rapporteur, said that one of the fundamental principles set forth in the Charter and in the Commission's rules of procedure was that of linguistic pluralism, a healthy principle that was conducive to dialogue, the opening up of horizons, and better mutual understanding. For budgetary and other reasons, the trend towards simplification of the Commission's work was leading to an erosion of that principle. As a result, she had experienced considerable difficulties in preparing the report, since the bulk of the preparatory documents had been drafted in English, a language with which she was unfamiliar. However, thanks to close cooperation by the Secretariat, which had provided her with an assistant to translate the relevant documents, she was in a position to introduce most of the chapters of the report in a form that she had corrected.

12. Since, however, many of the chapters had become available the previous day only, it had proved impossible to submit a complete report to the current meeting. Any amendments or corrections to the report as presented would, of course, be reflected in the final report, which would be made available within the time-limit stipulated in the Commission's rules of procedure.

13. The report of the Commission on its forty-eighth session fell into two parts. The first, a formal and technical account of the discussions and of the manner in which the decisions had been taken, was contained in document E/CN.4/1992/L.10 and addenda 1 to 21. The second, containing the resolutions and decisions adopted, was contained in document E/CN.4/1992/L.11 and addenda 1 to 7. Some amendments on specific items had already been tabled; other corrections she would submit as the Commission went through the report paragraph by paragraph.

Chapter XXI (E/CN.4/1992/L.10)

14. Chapter XXI (E/CN.4/1992/L.10) was adopted.

Chapter XXIII (E/CN.4/1992/L.10/Add.2)

15. Mrs. GALVIS (Colombia), Rapporteur, said that addendum 2, which related to the election of members of the Sub-Commission, was currently incomplete, for obvious reasons. The result of the election that had just taken place would be inserted in the final report.

16. Chapter XXIII (E/CN.4/1992/L.10/Add.2) was adopted.

Chapter XXIV (E/CN.4/1992/L.10/Add.3)

17. Mrs. GALVIS (Colombia), Rapporteur, said that the Islamic Republic of Iran, Indonesia, Cyprus, Ghana and Venezuela should be added to the list of sponsors of draft resolution E/CN.4/1992/L.30, as contained in paragraph 7 of document E/CN.4/1992/L.10/Add.3. The delegations of Chile and Costa Rica had also asked to be included in the list of sponosrs, but had not yet registered with the Secretariat.

18. Chapter XXIV (E/CN/4/1992/L.10/Add.3), as orally revised, was adopted.

Chapters IV and V (E/CN.4/1992/L.10/Add.4 and 5)

19. Chapters IV and V (E/CN/4/1992/L.10/Add.4 and 5) were adopted.

Chapter VI (E/CN.4/1992/L.10/Add.6)

20. Mrs. GALVIS (Colombia), Rapporteur, said that paragraph 14 of that chapter (E/CN.4/1992/L.10/Add.6) should be deleted, since the State that had requested a vote was not named.

21. Chapter VI (E/CN.4/1992/L.10/Add.6), as orally revised, was adopted.

Chapter VII (E/CN.4/1992/L.10/Add.7)

22. Mrs. GALVIS (Colombia), Rapporteur, said that, in paragraph 7, Kenya (14th) and Nigeria (16th) should be added to the list of delegations which had made statements in exercise of the right of reply.

23. Chapter VII (E/CN.4/1992/L.10/Add.7), as orally corrected, was adopted.

Chapters VIII, IX and XIV (E/CN.4/1992/L.10/Add.8, 9 and 14)

24. Chapters VIII, IX and XIV (E/CN.4/1992/L.10/Add.8, 9 and 14) were adopted.

Chapter XV (E/CN.4/1992/L.10/Add.15)

25. Mrs. GALVIS (Colombia), Rapporteur, said that the draft resolution referred to in paragraph 7 had been submitted on 7 February 1992 and not on 18 February 1992, as stated.

26. Chapter XV (E/CN.4/1992/L.10/Add.15), as orally corrected, was adopted.

Chapters XVI and XX (E/CN.4/1992/L.10/Add.16 and Add.20)

27. Chapters XVI and XX (E/CN.4/1992/L.10/Add.16 and Add.20) were adopted.

Chapter II (E/CN.4/1992/L.11)

28. Mr. MASRI (Syrian Arab Republic) said that there was an error in the first paragraph on page 5 of the Arabic text, from which a phrase referring to the submission of document A/46/65 and A/46/522 to the General Assembly at its forty-sixth session had been omitted. He requested that the passage in question be restored.

29. The CHAIRMAN said that the Secretariat would take note of the request.

30. Document E/CN.4/1992/L.11 was adopted.

Chapter II (E/CN.4/1992/L.11/Add.1, 2, 3 and 6)

31. Documents E/CN.4/1992/L.11/Add.1, 2, 3 and 6 were adopted.

The meeting was suspended at 7.45 p.m. and resumed at 8.50 p.m.

32. The CHAIRMAN said that most documents were ready in all the official languages; he therefore suggested that the Commission should resume its consideration of the draft report with a view to adopting the remaining chapters, it being understood that, in the case of those parts there were not ready in certain languages, adoption would be ad referendum only. Members would be able to indicate later to the Rapporteur any corrections that were needed.

Chapter XXII and Chapter X (E/CN.4/1992/L.10/Add.1 and Add.10)

33. Chapter XXII and Chapter X (E/CN.4/1992/L.10/Add.1 and Add.10) were adopted.

Chapter XI (E/CN.4/1992/L.10/Add.11)

34. Mrs. GALVIS (Colombia), Rapporteur, said that, in paragraph 9, the word "his" should be replaced by "her". In paragraph 61, Venezuela should be added to the list of countries which subsequently joined the sponsors of the draft resolution. The draft resolution itself had the symbol E/CN.4/1992/L.82/Rev.2 and not Rev.1.

35. Chapter XI (E/CN.4/1992/L.10/Add.11), as orally corrected, was adopted.

Chapter XII (E/CN.4/1992/L.10/Add.12)

36. Mr. ZHANG Yishan (China) said that the first line on page 19 (before paragraph 60) should read "Situation in China/Tibet"; the words "of human rights" being deleted. In paragraph 69 the roll-call vote referred to had been requested by China and not by Cuba.

37. The CHAIRMAN said that due note had been taken of the corrections by the representative of China.

38. Mr. ZHANG Yishan (China) said that, in order to maintain the chronological order of the discussion, paragraph 64 should be included in paragraph 70.

39. Mr. BARKER (Australia) said that his delegation's statement in explanation of vote after the vote, referred to in paragraph 64, had been made in connection with the procedural issue on rule 52 of the rules of procedure and not with the vote on whether to take no action on draft resolution E/CN.4/1992/L.49/Rev.1; paragraph 64 was therefore correctly placed.

40. Mr. STROHAL (Austria) said that, in paragraph 18, Austria should be added to the list of countries that had subsequently joined the sponsors of the draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1992/L.24).

41. Chapter XII (E/CN.4/1992/L.10/Add.12, as orally corrected, was adopted.

Chapter XIII (E/CN.4/1992/L.10/Add.13)

42. Chapter XIII (E/CN.4/1992/L.10/Add.13) was adopted.

Chapter XVII (E/CN.4/1992/L.10/Add.17)

43. The CHAIRMAN said that, as the chapter in question (E/CN.4/1992/L.10/Add.17) was not available in all languages, he suggested that it be adopted ad referendum.

44. Chapter XVII (E/CN.4/1992/L.10/Add.17) was adopted ad referendum.

Chapter XVIII (E/CN.4/1992/L.10/Add.18)

45. Mrs. GALVIS (Colombia), Rapporteur, replying to a question from Mr. BARKER (Australia), said that, owing to a technical error, no reference to the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities had been included in paragraph 2 of the chapter; such a reference would be incorporated into the final version of the report.

46. Chapter XVIII (E/CN.4/1992/L.10/Add.18), as orally corrected, was adopted.

Chapter XIX (E/CN.4/1992/L.10/Add.19)

47. The CHAIRMAN noted that the chapter in question (L.10/Add.19) was not available in all languages. He therefore suggested its adoption ad referendum.

48. Chapter XIX (E/CN.4/1992/L.10/Add.19) was adopted ad referendum.

Chapter III (E/CN.4/1992/L.10/Add.21)

49. The CHAIRMAN said that, as the chapter in question (E/CN.4/1992/L.10/Add.21) was not available in all languages, he suggested that it be adopted ad referendum.

50. Chapter III (E/CN.4/1992/L.10/Add.21) was adopted ad referendum.

The remaining parts of the draft report of the Commission (E/CN.4/1992/L.10 and addenda and L.11 and addenda)

51. The CHAIRMAN suggested that, in view of the late hour, the remaining parts of the draft report be adopted ad referendum.

52. Mr. ZHANG Yishan (China) said, with reference to chapter II (E/CN.4/1992/L.11/Add.7), that the title of decision 1992/116 on page 19 was not related to that decision, but had been taken from draft resolution E/CN.4/1992/L.49/Rev.1. If the Commission had decided not to examine the draft resolution in question, it should agree upon an appropriate title for that decision.

53. The CHAIRMAN said that, in the past, it had been the practice of the Commission to retain the same title for the decision as had been used for the draft resolution.

54. After a procedural discussion, in which Ms. METHA (India), Mrs. RUESTA de FURTER (Venezuela), Mr. SEZAKI (Japan), Mr. SENE (Senegal), Mr. ZHANG Yishan (China), Mr. MIYET (France) and Mr. BARKER (Australia) took part, the CHAIRMAN asked whether the Commission wished to adopt the remaining parts of the draft report ad referendum.

55. It was so decided.

CLOSURE OF THE SESSION

Closing statements

56. Mr. KOSSENKO (Russian Federation) said that his delegation regretted that the Commission on Human Rights had been unable to reach agreement on the important question of a draft declaration on Nagorno-Karabakh. Such a declaration would have been purely humanitarian in purpose, and could in no way be construed as a political gesture. A call by the Commission for an end to the conflict would have constituted an effective response to a situation in which human rights were being seriously violated.

57. Mr. ENNACEUR (Tunisia), speaking as Vice-Chairman of the Commission, said that he had asked to take the floor at the end of the Commission's discussions, in order to offer some reflections on its existing and future activities. Before doing so, however, he wished to thank the Chairman for the spirit of dialogue and consensus in which he had guided the work of the Commission during the session.

58. On the eve of the third millennium, the international community was faced with new challenges but also with new possibilities for cooperation to ensure peace and security in the world. Human rights had an essential role to play in that process, for there could be no true security unless human rights were safeguarded.

59. The Commission could look back on a number of achievements at its current session. They included confirmation of the progress made in promoting human rights and democratic pluralism; the drafting of human rights standards; greater awareness among non-governmental organizations and the media that the Commission was primarily a forum for working out such standards and consolidating the desire to safeguard fundamental rights and freedoms; and the emphasis placed on economic and social rights, which were intimately linked with other rights falling within the Commission's purview.

60. But there was also a debit side to the balance sheet. First and foremost, there was a grave risk that the Commission's discussions and work would become over-politicized. That risk was a real one. At times, double standards had prevailed in its debates. The Commission's conception of safeguarding human rights must not be an elastic or selective one. The Commission must always bear in mind that it was united on the essential issue and that all its members shared a common goal. Consequently, it should not act as a court in which some took the role of prosecutors and others that of defendants; for it could no longer seriously be claimed that human rights were violated only in those countries that were the subject of reports or resolutions, and that they were fully respected in all other countries.

61. The fact that there were people everywhere who suffered discrimination did not necessarily mean that the policies of the States concerned were questionable, since manifestations of xenophobia, racism, cultural and religious persecution and even torture were usually attributable to individuals, something that the Commission had an unfortunate tendency to forget. Such actions had, of course, to be condemned and punished by the

public authorities which must, in their turn, be reprimanded if they failed to do so. He wondered, however, whether it was enough to call upon Governments to end human rights violations.

62. The Commission must go beyond mere condemnation of effects; its role was to prevent rather than to condemn. It must analyse objectively the manifold causes of human rights violations, and measure the progress made and the ground still to be covered. It must not artificially divide the world into advocates and adversaries of human rights. It must unite all in its efforts to promote those rights, rather contenting itself with condemnatory resolutions calling for certain political regimes to be placed on an index. It must ask itself at the end of each session, what it had actually done to ensure that human rights were better respected than had been the case a year previously; and neither the severity of the reports and resolutions nor the ardour of delegates and non-governmental organizations in the discussions were sufficient in themselves to make fundamental changes to the grievous human rights situations in the world. The Commission's essential purpose was to establish a dialogue with the Governments concerned, and to induce them to cooperate. It must thus ask itself how it could best establish the climate of confidence and cooperation needed to secure that goal. That was a question which deserved to be included in the agenda for a forthcoming session of the Commission.

63. Furthermore, the protection and promotion of human rights did not end with a political commitment by Governments or the promulgation of adequate legal instruments; such provisions had also to be implemented. In the circumstances, the question arose as to how a universal culture of human rights involving individuals and agents of the State alike could best be secured.

64. Another lacuna concerned the question of women's rights, the position of which within the Commission was distinctly marginal. Admittedly, the Vienna-based Commission on the Status of Women had done a great deal of work in that field, but that work should, perhaps, be consolidated by the Commission on Human Rights, with a specific agenda item allocated to the question. His own Government, which had been very active in that field, would welcome any such move.

65. The CHAIRMAN said that when presiding over the work of the Commission at its forty-eighth session, his main concern had been to achieve a consensus among the States and to depoliticize the discussions. He was grateful to the representatives of the member States, the observer, and the non-governmental organizations for their invaluable assistance in that regard, which had made it possible for the forty-eighth session to be held without unnecessary conflicts or tensions. With their support, he had been able to make two agreed statements, one on the situation of human rights in Sri Lanka and the other on the situation in East Timor.

66. There was an indisputable desire on the part of the international community to see human rights prevail. Although it was clearly impossible to eliminate all confrontations, the session had proved that they could be reduced to their true dimensions. The attention paid by the international

community to the Commission at its forty-eighth session demonstrated that the world was at the dawn of a new era in which the promotion of human rights constituted one of the primary concerns of mankind.

67. Since 1989, the world had experienced a radical change, which had begun in Eastern Europe. Those developments had enabled the United Nations to cast off the paralysing effects of the confrontation between two great Powers, and the Organization was henceforth able to meet challenges to peace and international security more effectively. Peace-keeping operations had, in recent years, become a virtually indispensable element resolving crisis situations, supporting democratic values and strengthening the respect for human rights. The recent changes had also had an impact on the functioning of United Nations organs, giving rise to discussions on transforming and reforming the Organization. It was to be hoped that the new preventive diplomacy would also become one of the basic working principles of the Commission on Human Rights.

68. Despite those encouraging developments, almost every day of its session the Commission had received information from various regions of the world reporting serious human rights violations. That was particularly true in the case of Nagorno-Karabakh, and he regretted that the Commission had not been able to make a statement on the subject. There was undoubtedly widespread international concern at the escalation of the armed conflict, the growing violence, the loss of life in the civilian population and the human rights violations there. He was convinced that the parties to the conflict would do everything in their power to ensure full respect for the principles of humanitarian law applicable to armed conflicts and that they would facilitate the access of the civilian population to humanitarian assistance.

69. The Commission had been open to new initiatives that reflected the recent changes in the world and he fully supported the Austrian proposal that an emergency mechanism be established. It was encouraging that a consensus had emerged on the need to establish such a mechanism in order to prevent serious human rights violations from occurring.

70. He noted with satisfaction that the Commission had adopted the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. In the view of his own Government, respect for human rights and the rights of national minorities was not only a legal and humanitarian question, but was also essential to international security. Moreover, by adopting the draft declaration on the protection of all persons from enforced or involuntary disappearance, the Commission had taken a major step forward towards the drafting of new international standards.

71. As for the rights of the child, in view of the fact that the States parties to the Convention on the Rights of the Child committed themselves to reporting officially on all their actions in that regard, he wished to emphasize the importance of the resolutions adopted by the Commission on the subject.

72. As a lawyer, he particularly appreciated the work of the Commission on the independence of the judiciary and on matters concerning detention, including the habeas corpus provision.

73. Turning to the questions submitted to the Commission at its current session and still pending, he said that it was to be hoped that the relevant United Nations organs, the Centre for Human Rights and the non-governmental organizations would have prepared a wide range of proposals so that the question of restructuring the agenda could be given proper consideration at the Commission's forty-ninth session.

74. Taking provisional stock of the session, he said that the Commission's extremely heavy work programme had involved no fewer than 650 statements. About 83 per cent of its resolutions and decisions had been adopted by consensus. It had been most encouraging to note the efforts made by delegates to achieve consensus, even in the face of the greatest difficulties. He was also pleased to be able to congratulate the new members of the Sub-Commission.

75. The Commission had had the honour of welcoming an impressive number of dignitaries to its forty-eighth session, including Heads of State, Prime Ministers and Secretaries of State. Their presence was evidence of the undeniable importance accorded to human rights, and of the role that the United Nations and the Commission were assuming in the promotion of those rights. No fewer than 26 such eminent persons had made statements to the Commission, each of them throwing valuable light on the concept of human rights and the importance attached thereto in their various countries or regions.

76. The moment to declare closed the forty-eighth session of the Commission on Human Rights was fast approaching. However, the work of the Commission had not yet been finished, since the Bureau was to meet the following week. The end of the forty-eighth session could thus be seen as merely the prelude to the preparations for the forty-ninth session, and the human rights dynamic was continuing unabated. In the coming year, a World Conference on Human Rights was to be held, to review the progress made in the human rights sphere and to draw up a programme for the future.

77. In conclusion, he wished to cite a passage from the Proclamation of the First International Conference on Human Rights, held at Tehran in 1968, which stated that it was imperative that the members of the international community fulfil their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all, without distinctions of any kind such as race, colour, sex, language, religion, or political or other opinions. The main objective of the United Nations was to enable mankind to achieve the maximum degree of freedom and dignity, and the Commission must work continuously and tirelessly to ensure that that ideal became a reality.

78. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 10.20 p.m.